

MICHAEL SHIPPEY, PH.D

agent no. 45,588 1-714-693-9110

Section 1 Amendments to the Claims
In the claims:

1. {Currently amended} A medicinal composition comprising:
 - a. ~~A major amount~~ Between 80% and 99% of a dilute aqueous solution of a naturally occurring organic acid, said acid being present at between 1% and 10% within said solution;
 - b. An amount of a group I metal carbonate sufficient to react with 5%-50% of said acid, in 1 to 1 molal ratio to said acid, thereby producing a buffered solution, wherein said metal is selected from the group consisting of (lithium, sodium, potassium, rubidium, and cesium);
 - c. Between .005% and .5% gum acacia, and,
 - d. ~~A significant amount~~ Between 0.01% and 5% of wintergreen mint;and wherein all ingredients are present in the composition in amounts effective together to provide substantial relief lessening of the degree of one or more symptoms selected from the group consisting of symptoms of: a common cold, sore throat, congestion, skin inflammation, skin rash, skin blisters, athlete's foot, mouth and throat blisters.
2. {Original} A composition as claimed in claim 1, wherein the organic acid comprises acetic acid.
3. {Original} A composition as claimed in claim 1, wherein the metal carbonate comprises sodium carbonate.
4. {Original} A composition as claimed in claim 1, wherein the organic acid solution comprises distilled white vinegar.
5. {Original} A composition as claimed in claim 1, wherein the metal carbonate comprises baking soda.
6. {Original} A composition as claimed in claim 1, further comprising flavoring agents.
7. {Original} A composition as claimed in claim 1, wherein said composition is formulated into a form selected from the group consisting of lozenges, tablets, syrup, salve, and pills.

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8. {Original} A composition as claimed in claim 1, further comprising a pharmaceutically acceptable carrier.

9. {Currently amended} A medicinal composition comprising:

40-120 ml of vinegar, strength 3 - 10 %

5 100 g baking soda

5 50 g wintergreen mint

5-5000 mg gum acacia

.5 - 5 g sweetener; and

.5-5 g artificial flavorings, wherein ~~the base is water, and~~ the ingredients listed are present in the composition in amounts effective together to provide substantial relief lessening of the degree of one or more symptoms associated with soar throat when said composition is applied by spray to the throat at least 4 times daily until no longer needed.

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Section 2. Reply to the Office in re 35 USC § 103 rejections

Applicant respectfully requests the reconsideration of the obviousness rejections of the claims in the instant application, based on the amendments to the claims and the arguments offered below. The Examiner has rejected all claims based on 35 USC § 103 obviousness in light of prior art U.S. patent number 6,514,484 to inventors Rajaiah et.al. (hereafter referred to as Rajaiah '484) in view of US Patent 6,008,171 to inventors Hughes et.al. (hereafter referred to as Hughes '171), and further in view of US Patent 4,241,098 to inventors Mussinan et.al. (hereafter referred to as Mussinan '098), and further in view of US Patent 5,186,926 to inventors Williams et.al. (hereafter referred to as Williams '926).

Certainly Mussinan '098 must be considered the critical piece of prior art here. Mussinan is the only prior art of concern that teaches a formula containing gum arabic. However, Mussinan '098 does not teach the use of gum arabic as a component of a medicinal composition. Instead, gum arabic is described therein as a thickener only.

Furthermore, Mussinan '098 does not teach the use of any of the components of the instant invention as a component of a medicinal composition. In the examples cited by the Examiner, vinegar and buffers are described as conditioning agents, and wintergreen is described as a flavor promoter. Nor does Mussinan '098 teach any medicinal compositions of any type. This reference is concerned with flavoring agents, not medicinal compositions. Thus Mussinan '098 must be viewed as teaching away from the instant invention.

Williams '926 also is primarily concerned with flavoring agents. It does not mention gum arabic, or vinegar. Indeed, gum arabic would probably be ineffective in the Williams invention as described, due to sensitivity to oxidizers present in the Williams formulations – hydrogen peroxide and the like.

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Rajaiah '484 is similarly silent on the use of gum arabic and vinegar. It does mention "acetic acids", but in the context of anti-inflammatory agents. In any case, vinegar is not generally known as an anti-inflammatory, so Rajaiah '484 is here referring to undescribed derivatives.

Finally, Hughes '171 relates to dental cleaning compositions which are not applied internally or topically to the skin. It thus does not teach medicinal compositions of any type, and has no reference at all to gum arabic and vinegar.

None of the above references teach the use of the present invention or its components as a medical topical composition.

Therefore, Applicant respectfully requests the reconsideration of the 35 USC § 103 obviousness rejections issued by the Examiner.